

California Regulatory Notice Register

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The California Regulatory Notice Register is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the California Regulatory Notice Register shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the California Regulatory Notice Register be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY: Department of Alcohol and Drug Programs

A written comment period has been established commencing on **May 5, 2006** and closing on **June 19, 2006**. Written comments should be directed to the Fair Political Practices Commission, Attention **Trish Mayer,** 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45–day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above—referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re—submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the pro-

posed conflict of interest code(s). Any written comments must be received no later than **June 19, 2006**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re–submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Trish Mayer**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322–5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Trish Mayer**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322–5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in title 2, division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation(s) at a public hearing on or after **June 8**, **2006**, **at approximately 9:45 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **June 6, 2006**.

BACKGROUND/OVERVIEW

The Political Reform Act (the "Act"), ¹ currently provides that a loan and the forgiveness of a loan are both regarded as campaign contributions. (Government Code sections 82015, 84216, and 85307.) As a result, the loan and the forgiveness of a loan may be counted as two contributions for purposes of contribution limits when, in fact, both constitute only one contribution. Under current law, forgiven loans are cumulated with other contributions made during a calendar year for purposes of determining if an individual or entity has qualified as a committee and also for reporting purposes.

Regulation 18537 provides a limited exception to this rule for loans subject to the Proposition 34 contribution limits, if the forgiveness of the loan is within the same "election cycle" as the original loan. Under such circumstances, the forgiveness of the loan is not considered an additional contribution. However, the term "election cycle," for purposes of this requirement, is not defined.

To improve on the current language of regulation 18537, the first proposed regulatory amendment would add a new subdivision to state that this regulation is applicable to the contribution limits of chapter 5 of this title. This new subdivision is being inserted to clearly state the limitations of this regulation.

The other proposed amendments would delete the obsolete language of "election cycle," which is currently in all three subdivisions of this regulation, and replace it with language that better conforms to current statutes. There are also some technical changes being proposed

that seek to make the regulation more consistent with the current language and reporting requirements of the Act.

In 2000, Proposition 34 was passed, which re–instituted campaign contribution limits on candidates for elective state office on a per election basis. In 2001, regulation 18537 was amended, in the same meeting as 18 other regulations, to update the Government Code references with the Proposition 34 references. The election cycle language related to the special election limits of Proposition 73 was not removed. However, Proposition 34 (at Government Code section 85204) defines "election cycle" as "the period of time commencing 90 days prior to an election and ending on the date of the election" (emphasis added) and expressly limits its application to sections 85309 and 85500, which require state candidates and ballot measure committees to electronically report contributions they receive.

Therefore, the proposed amendments would delete the obsolete term "election cycle" (as used in Proposition 73 special elections) from this regulation, and would replace it with language that conforms to changes that were brought about by the passage of Proposition 34.

REGULATORY ACTION

Amend 2 Cal. Code Regs. § 18537: The Commission may consider whether regulation 18537 should be amended to add language to make it explicit that regulation 18537 is applicable only to loans received or made that are subject to the contribution limits of chapter 5 of this title. The proposed amendments would also delete the term "election cycle," which has become obsolete with the passage of Proposition 34, and would replace it with language that is more consistent with the reporting requirements of the Act.

FISCAL IMPACT STATEMENT

<u>Fiscal Impact on Local Government.</u> These regulations will have no fiscal impact on any local entity or program.

<u>Fiscal Impact on State Government.</u> These regulations will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

¹ Government Code sections 81000–91014. Commission regulations appear at title 2, sections 18109–18997, of the California Code of Regulations. All references are to the Government Code unless otherwise indicated.

REFERENCE

The purpose of this regulation is to implement, interpret and make specific the procedures concerning the permissible levels of contributions available to lenders and the reporting requirements for candidates or committees who receive these types of loans.

CONTACT

Any inquiries should be made to **Chris Espinosa**, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322–5660 or 1–866–ASK–FPPC. Proposed regulatory language can be accessed at www.fppc.ca.gov.

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt the proposed regulations if they remain substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulations before their adoption or repeal.

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Data Cost–Sharing DPR Regulation No. 06–003

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to adopt Article 15, Data Cost–Sharing, sections 6310, 6312, and 6314, and amend section 6170 in Title 3, California Code of Regulations (3 CCR) to prescribe in detail the proceeding authorized by Food and Agricultural Code (FAC) section 12811.5 to resolve disputes over the terms and amount of data cost–sharing. Proposed sections 6310 and 6170 are currently in effect as emergency regulations. This proposed regulatory action would make sections 6310 and 6170 permanent.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on June 19, 2006. Comments regarding this proposed action may also be submitted via e-mail <dpr06003@cdpr.ca.gov>, or by facsimile (FAX) transmission at (916) 324–5872.

A public hearing is not scheduled; however, a public hearing will be scheduled if any interested person submits a written request for a public hearing to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action may affect certain types of small businesses. The types of businesses that may be affected by the proposed regulatory change include companies that register pesticide products for sale and use in California.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law requires every manufacturer, importer, or dealer of any pesticide to obtain a certificate of registration from DPR before the pesticide is offered for sale. In support of the registration, an applicant for registration must submit human health and environmental fate data.

Until January 1, 2006, FAC section 12811.5 provided that if an applicant did not submit its own data to fulfill DPR's data requirements for a new pesticide product or an amendment to a currently registered pesticide product, and the applicant wished to rely upon data owned by another company, DPR needed written authorization (letter of authorization) from the appropriate data owner. If an applicant did not wish to, or could not, obtain a letter of authorization from a current data owner, then the applicant had to submit its own duplicate data to DPR.

Assembly Bill 1011 (Chapter 612, Statutes of 2005) changed state law regarding how DPR treats data submitted in support of product registration. FAC section 12811.5 now allows DPR to consider evaluations of all data it has on file, regardless of the source of the data. The new law did not change any of DPR's data requirements. Applicants may still submit their own data in support of a registration application. However, if an applicant does not do so, and instead relies on another company's data to support its registration application, the applicant may be required to make an offer to pay the data owner.

Pursuant to FAC section 12811.5(d), DPR filed sections 6310 and 6170 as emergency regulations with the Office of Administrative Law (OAL File No. 06–0313–04E) to prescribe in more detail the proceeding authorized by the statute to resolve disputes over the

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TTD speech-to-speech users may dial 7–1–1 for the California Relay Service.

terms and amount of cost–sharing required by FAC section 12811.5. The emergency regulations became effective on March 23, 2006.

DPR proposes to permanently adopt Article 15, Data Cost–Sharing, sections 6310, 6312, and 6314. Specifically, the proposal would:

- Allow the proceeding to be combined with any dispute resolution process taking place between the same parties and conducted under the Federal Insecticide, Fungicide, and Rodenticide Act; require the decisionmaker to consider that the data owner recovered all or part of its costs of generating data by having an exclusive right to sell the pesticide for some period of time; specify that the finding of the decisionmaker shall be final and conclusive; and, the parties to the dispute resolution proceedings equally share in the payment of fees and expenses.
- Covers notification procedures to the Director of an applicant's failure to comply with its obligation under FAC section 12811.5(a–d).
- Upon receipt of such notification, specify that DPR shall issue a written finding within 60 days of deadline for the parties' submissions. Additionally, if the Director determines that the applicant has not met its obligations under FAC section 12811.5(a–d), the Director will cancel the registration of the applicant's product no later than 45 days of issuing the written finding.

Also, DPR proposes to permanently amend section 6170 to be consistent with the changes to FAC section 12811.5.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that any increased costs to DPR due to the increased level of service provided under the

proposed regulatory action are absorbable in the current budget. However, should costs increase in the future, DPR may need additional funding. The proposed regulatory change may reduce workload in the area of scientific data review; however, the workload of reviewing application is expected to increase and, due to personnel cuts and DPR's backlog, any savings from the proposed regulatory change will be put towards reducing the backlog of applications. No positions will be eliminated. The workload of DPR's legal staff may also increase dependent upon how many companies submit noncompliance determinations. DPR has determined that no increased costs or savings to any other state agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with business in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

DPR has determined it is unlikely that the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses. For this regulation, alternatives are not applicable because the statute requires DPR to adopt these regulations.

AUTHORITY

This regulatory action is being taken pursuant to authority vested by FAC sections 12781 and 12811.5.

REFERENCE

This regulatory action implements, interprets, or makes specific FAC sections 12811, 12812, 12815, 12816, and 12811.5.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulations may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulations permanent if they remain substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulations, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments only on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons; the proposed text of the regulation; and a public hearing; inquiries regarding the rulemaking file; or questions on the substance of the proposed regulatory action may be directed to:

Polly Frenkel, Chief Counsel Department of Pesticide Regulation Office of Legal Affairs 1001 I Street, P.O. Box 4015 Sacramento, California 95812–4015 (916) 324–2666

Note: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as above.

Linda Irokawa–Otani, Regulations Coordinator Office of Legislation and Regulations (916) 445–3991

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page http://www.cdpr.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at http://www.cdpr.ca.gov.

TITLE 5. EDUCATION AUDIT APPEALS PANEL

Notice of Proposed Rulemaking

Audits of K–12 Local Education Agencies Fiscal Year 2006–07

The Education Audit Appeals Panel (EAAP) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing:

EAAP will hold a public hearing starting at **1:30 p.m.** on Monday, June **19, 2006**, in the Cedar Room at 915 L Street, Sacramento, CA 95814. The room is wheelchair accessible. At the hearing, any person may present

statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. EAAP requests that any person desiring to present statements or arguments orally notify EAAP's Regulations Coordinator of such intent. EAAP requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

Written Comment Period:

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Coordinator. The written comment period closes at **5:00 p.m.** on June **19, 2006.** EAAP will consider only written comments received by the Regulations Coordinator by that time (in addition to written comments received, and any testimony given, at the public hearing). Written comments for EAAP's consideration should be directed to:

Chris Pentoney, Regulations Coordinator Education Audit Appeals Panel 770 L Street, Suite 1100 Sacramento, CA 95814 Fax: (916) 445–7626

e-mail: cpentoney@eaap.ca.gov

Authority and Reference:

Authority cited: Section 14502.1, Education Code. Reference: sections 14501, 14502.1, 14503, 41020, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The regulations in Title 5 of the California Code of Regulations, Division 1.5, Chapter 3, comprise the audit guide required by Education Code sections 14503 and 41020. The audit guide provides guidance, through definitions of terms and specification of procedures, to auditors in the conduct of statutorily required financial and compliance audits of local education agencies. EAAP proposes amendments and additions to these regulations for the 2006–07 fiscal year that derive from proposed content submitted to EAAP by the Controller pursuant to Education Code Section 14502.1. The affected sections are 19813, 19814, 19814.1, 19819, 19824, and 19828.1, and new sections 19833.5 and 19833.6.

Article 2, Audit Reports, includes specification of the components of the audit reports in Section 19813 and definitions of terms in Section 19814. These sections are amended to add a description of the local education

agency's organization structure, to specify the numbers of audit procedures for fiscal year 2006–07, to specify a new finding code for resolution of findings related to one of the proposed new sections regarding California State Teachers Retirement System (CalSTRS) information (described below), and to make minor corrections in grammar and style. Article 2 also includes a specification of the applicability of audit procedures by audit year in Section 19814.1. That section is amended to delineate the audit procedures in Articles 3 and 4 that will be applicable to 2006–07 audits.

Article 3, State Compliance Requirements, and Article 4, Charter Schools, list the particular state—funded education programs that are required to be audited and set forth procedures that direct auditors to the documents and reports and guide auditors in steps to determine whether an auditee was in compliance with the relevant statutory and regulatory requirements during the period audited.

In Article 3, Section 19819, Independent Study is amended to add audit procedures to address the requirement of Education Code Section 51748 that independent study pupils be identified in the written records of school districts and county offices of education by grade level, program placement, and school of enrollment.

Section 19824, Instructional Time, is amended to add audit procedures to verify compliance with the requirement to maintain the regular day schools of a school district at least 175 days during the school year (163 days if the school is on a multitrack year—round schedule).

Section 19828.1, Instructional Materials, is amended to conform with an amendment to Education Code Section 60119 (Stats. of 2005, Chapter 118 (A.B. 831), Sec. 15) concerning alignment of textbooks and instructional materials with the content standards and curriculum framework cycles adopted by the State Board of Education, as well as to the percentage of pupils who lack sufficient standards—aligned materials in each subject.

Section 19831, Gann Limit Calculation, is amended to include verification of the accuracy of any adjustments to prior year appropriations limit data.

Two new sections are proposed for inclusion in Article 3, both of which relate to CalSTRS. Section 19833.5, Excess Sick Leave, directs the auditor to determine whether excess sick leave, as defined, has been afforded to CalSTRS members and, if so, to note that fact in the audit report. Section 19833.6, Notification of Right to Elect California State Teachers Retirement System (CalSTRS) Membership, directs the auditor to check for compliance with LEAs' statutory duty to notify newly hired part—time or substitute teachers of their right to join CalSTRS and to include a finding in the audit report if the LEA is not in compliance.

Disclosures Regarding the Proposed Action:

- Mandate on local agencies and school districts: None
- Cost or savings to any state agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None
- Other non-discretionary cost or savings imposed upon local educational agencies: None
- Cost or savings in federal funding to the state:
 None
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states; None.
- Cost impact on a representative private person or business: The EAAP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Adoption of these regulations will not:
 - (1) create or eliminate jobs within California;
 - (2) create new businesses or eliminate existing businesses within California; or
 - (3) affect the expansion of businesses currently doing business within California.
- Significant affect on housing costs: EAAP has made an initial determination that the proposed regulatory action would not affect housing costs.
- Effect on small businesses: The proposed regulations will have no effect on small businesses because they do not materially alter the requirements for LEA audits.

Consideration of Alternatives:

In accordance with Government Code Section 11346.5(a)(13), EAAP must determine that no reasonable alternative considered by EAAP or that has otherwise been identified and brought to the attention of EAAP would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

EAAP invites interested persons to present statements or arguments regarding alternatives to the proposed regulations at the above—mentioned hearing or during the written comment period.

Contact Persons:

Inquiries concerning the substance of the proposed action, requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, and other technical information upon which the rulemaking is based, and

questions on the proposed administrative action, may be directed to Chris Pentoney, Regulations Coordinator, at (916) 445–7745 or by e-mail: cpentoney@eaap.ca.gov. The back-up contact person for general inquiries is Carolyn Pirillo at (916) 445–7745.

Availability of Initial Statement of Reasons and Text of Proposed Regulations:

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address

Availability of Changed or Modified Text:

Following the public hearing and consideration of all timely and relevant comments received, EAAP may adopt the proposed regulations substantially as described in this notice. If EAAP makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before EAAP adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Coordinator at the address stated above. The Regulations Coordinator will accept written comments on the modified regulations for 15 days after the date on which they are made available.

Availability of the Final Statement of Reasons:

Upon completion of the Final Statement of Reasons, a copy may be obtained by contacting the Regulations Coordinator at the above address.

Availability of Documents on the Internet:

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, text of the regulations in underline and strikeout, and Final Statement of Reasons will be accessible, through the Education Audit Appeals Panel website: www.eaap.ca.gov

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATIONS FOR THE AVAILABILITY OF CALIFORNIA MOTOR VEHICLE SERVICE INFORMATION

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider the adoption of amendments to regulations regarding the availability of motor vehicle service information in California.

DATE: June 22, 2006

TIME: 9:00 am

PLACE: South Coast Air Quality Management

District Auditorium 21865 East Copley Drive Diamond Bar, CA 91765–4182

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., June 22, 2006, and may continue at 8:30 a.m., June 23, 2006. This item might not be considered until June 23, 2006. Please consult the agenda for the meeting, which will be available at least 10 days before June 22, 2006, to determine the day on which this item will be considered.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette or computer disk. Please contact ARB's Disability Coordinator at 916–323–4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact ARB's Bilingual Manager at 916–323–7053.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected:

Proposed amendments to title 13, California Code of Regulations (CCR), division 3, chapter 1, article 2, Approval of Motor Vehicle Pollution Control Devices (New Vehicles), section 1969, Motor Vehicle Service Information — 1994 and Subsequent Model Passenger Cars, Light-Duty and Medium-Duty Vehicles and 2007 and Subsequent Model Heavy-Duty Vehicles, and the documents incorporated therein: Society of Automotive Engineers (SAE) Recommended Practice J2534, "Recommended Practice for Pass-Thru Vehicle Programming," December 2004, and SAE J1979, "E/E Diagnostic Test Modes — Equivalent to ISO/DIS 15031-5: April 30, 2002," April 2002; Technology and Maintenance Council, Recommended RP1210A, "Windows™ Communication API," July 1999; SAE J1939, "Recommended Practice for a Serial Control and Communications Vehicle Network" and the associated subparts in SAE HS-1939, Truck and Bus Control and Communications Network Standards Manual," 2005 Edition; SAE J2403, "Medium/Heavy-Duty E/E Systems Diagnosis Nomenclature," August 2004

Proposed amendments to title 17, CCR, division 3, chapter 1, subchapter 1.25, article 2.5, Administrative

Procedures for Review of Executive Officer Determinations Regarding Service Information for 1994 and Subsequent Model Year Vehicles, sections 60060.1 through 60060.34.

Background

Senate Bill (SB) 1146, enacted in 2000, established Health and Safety Code section 43105.5, directing ARB to adopt regulations for the availability of emission-related motor vehicle service information and diagnostic equipment to independent service facilities and the aftermarket parts industry. The legislation applies to 1994 and later model-year vehicles equipped with on-board diagnostic (OBD) systems for the detection of emission-related malfunctions. On December 13, 2001, the Board approved adoption of the ARB's service information regulation, which was formally implemented on March 30, 2003. The requirements as originally adopted applied to 1994 and later model year passenger cars, light-trucks, and medium-duty vehicles equipped with second generation, on-board diagnostic (OBD) systems. The regulation is found in title 13, CCR, section 1969, with related administrative procedures in title 17, CCR sections 60060.1 through 60060.34.

In 2004, the Board adopted initial OBD requirements for 2007 and later model-year heavy-duty vehicles and, in accordance with the legislation, also expanded the scope of California's service information requirements to include these vehicles. However, the Board deferred requirements for the availability of manufacturer diagnostic tools and reprogramming equipment for heavy-duty vehicles until diagnostic tool communication requirements were finalized under a second round of more comprehensive OBD requirements for heavyduty vehicles. The added lead time was granted to address manufacturer concerns that necessary tool-related changes could not be efficiently implemented ahead of knowing these communication requirements in greater detail, and to permit the manufacturers the opportunity to incorporate additional safeguards into the interface between the diagnostic tools and engines.

These more comprehensive heavy–duty OBD requirements were finalized and approved by the Board in July of 2005. Under the regulation, implementation of the diagnostic tool communication requirements would begin with the 2013 model–year. Therefore, the staff is now proposing that the Board expand the requirements for the availability of manufacturer diagnostic tools to include tools that will be designed for 2013 and later model–year heavy–duty engines. The staff is also proposing additional minor amendments to the regulation to increase consistency between the service information and OBD requirements and to improve the overall clarity and effectiveness of the regulation.

In drafting these proposed regulatory amendments, staff met with engine and vehicle manufacturers, aftermarket parts manufacturers, trade associations and other interested parties in various meetings and via phone calls. Staff issued Mail–Out #MSC 05–01 on January 11, 2005, which explained staff's initial proposed amendments to the service information regulation. Comments submitted in response to the mail–out, as well as those received through numerous subsequent discussions and meetings, were considered in the development of the final proposal.

Proposed Amendments

Below is a brief summary of the staff's proposed amendments to title 13, California Code of Regulations, section 1969, for consideration by the Board:

Availability of Heavy-Duty Vehicle Diagnostic Tools

Staff proposes that manufacturers of 2013 and later model-year, OBD-equipped, heavy-duty engines be required to make available all enhanced emission-related diagnostic, recalibration, and reconfiguration tools provided by the manufacturers to their franchised dealers or authorized service networks. Engine manufacturers would be permitted to require appropriate training on the proper use of these tools as a condition for sale. The associated data stream and bi-directional control information used in these tools would also have to be made available to aftermarket diagnostic tool manufacturers to allow incorporation of the same functionality into their products. Consistent with the existing requirements for the availability of service information and tools, engine manufacturers would be permitted under the regulation to set "fair, reasonable, and non-discriminatory" prices for the availability of heavy-duty tools and related information. The amendments proposed by the staff would also require heavyduty vehicle engine manufacturers to comply with the recalibration methods set forth in SAE Recommended Practice J2534 or the Technology and Maintenance Council's Recommended Practice RP1210a, "Windows™ Communication API," July 1999 on all 2013 and later model-year on-board computers installed on heavy-duty vehicle engines.

Other Amendments to the Regulatory Language

- Staff is proposing amendments to make clear that heavy-duty transmission manufacturers are not subject to the regulation if transmissions are not required to meet OBD or any other emission control requirements.
- A provision is proposed to permit compliance flexibility for manufacturers that certify vehicles or engines under both medium—duty and heavy—duty vehicle categories, preventing manufacturers from having to comply with more

- than one set of requirements for a given vehicle or engine model.
- Staff is proposing that engine manufacturers be required to use emission-related nomenclature in all service information that complies with SAE Recommended Practice "Medium/Heavy-Duty E/E Systems Diagnosis Nomenclature," August 2004, for 2010 and later model year engines. The use of standardized nomenclature will minimize the number of manufacturer-specific terms and acronyms that technicians must become familiar with in order to effectively use manufacturers' service information.
- SAE J2534, incorporated by reference, contains standardization requirements related to the reprogramming of light and medium—duty vehicles. Subsequent to the closing of ARB's 2004 service information amendments, the publication date of the document changed from September 2004 to December 2004. Staff is proposing an amendment to update the publication date in the text of the regulation.
- Other minor revisions are being proposed to update regulatory definitions, provide clarity between light—and heavy—duty requirements, and to improve the readability of the regulation.

COMPARABLE FEDERAL REGULATIONS

The United States Environmental Protection Agency (U.S. EPA) approved amendments to its service information regulation on June 27, 2003. (See Title 40, Code of Federal Regulations, part 86, sections 86.094–38 et seq.) However, federal service information language still does not cover heavy–duty vehicles that exceed 14,000 pounds gross vehicle weight rating. U.S. EPA has stated its intent to consider provisions for these heavy–duty vehicles in the near future.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a detailed summary of the proposed amendments, as well as the potential environmental and economic impacts of the proposal, and supporting technical documentation. The ISOR is entitled: "Initial Statement of Reasons for Proposed Rulemaking, Public Hearing to Consider Amendments to Regulations for the Availability of California Motor Vehicle Service Information."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strike—out format

to allow for comparison with the existing regulations, may be accessed on the ARB's website listed below, or may be obtained from the Public Information Office, Visitors and Environmental Services Center, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322–2990. The documents will be available at least 45 days prior to the scheduled hearing on June 22, 2006.

Upon its completion, the Final Statement of Reasons (FSOR) will also be made available and copies may be requested from the agency contact persons identified in this notice or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons: Dean Hermano, Staff Air Pollution Specialist, at (626) 459–4487 or e-mail dhermano@arb.ca.gov, or Ms. Jackie Lourenco, Chief, New Vehicle/Engine Programs Branch, at (626) 450–6152 or email jlourenc@arb.ca.gov.

Further, the agency representative and designated back—up contact person to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are respectively Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322–6070, and Alexa Malik, Regulations Coordinator, (916) 322–4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's Internet site for this rulemaking at http://www.arb.ca.gov/regact/cmvsip06/cmvsip06.htm

COSTS TO PUBLIC AGENCIES AND TO BUSINESS AND PERSONS AFFECTED

The determinations of the Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed amendments are presented below.

The Executive Officer has determined pursuant to Government Code section 11346.5(a)(5) that the amendments will not create costs or mandates to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies. The Executive Officer has further determined pursuant to Government Code section 11346.5(a)(6) that the proposed regulatory amendments will not create

any costs or savings to any state agency, or any cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500), of division 4, or other nondiscretionary cost or savings imposed on local agencies, or any cost or savings in federal funding to the state.

In developing this regulatory proposal, the staff evaluated the potential economic impacts on representative private persons or businesses. Staff is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed amendments would likely have a small positive cost impact on independent service repair facilities and tool and equipment companies that do business in California because of the greater availability of such tools and related information. Although the proposed amendments may indirectly have some adverse cost impacts on heavy-duty vehicle franchised dealerships and authorized service networks in California due to the loss of some repair business to independent service facilities, the impact would be the result of increased competition, consistent with the intent of the Legislature in drafting SB 1146.

The Executive Officer has also made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. The Executive Officer has determined that the proposed action may possibly create some jobs, create new businesses, or promote the expansion of businesses currently doing business within California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small business. Small businesses in the aftermarket service and parts industries should be positively affected by the availability of service information and tools. And, as noted above, while some heavy—duty vehicle dealerships and service network facilities may be adversely affected by the potential for increased competition, this result was the intent and purpose of SB 1146.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has been otherwise identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon**, **June 21, 2006**, and addressed to the following:

Postal Mail is to be sent to:

Clerk of the Board Air Resources Board 1001 I Street, 23rd Floor Sacramento, California 95814

Electronic submittal: http://www.arb.ca.gov/lispub/comm/bclist.php no later than 12:00 noon, June 21, 2006.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322–3928 and received at ARB no later than **12:00 noon, June 21, 2006.**

The Board requests, but does not require, 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted Health and Safety Code sections 39600, 39601, 43000.5, 43018, 43105.5, and 43700. This action is proposed to implement, interpret or make specific sections 39027.3, 43104, and 43105.5 Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non–substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such an event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, for at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322–2990.

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED AMENDMENTS TO THE REGULATION FOR THE STATEWIDE PORTABLE EQUIPMENT REGISTRATION PROGRAM

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider the proposed amendments to the Statewide Portable Equipment Registration Program Regulation (Statewide Regulation).

DATE: June 22, 2006

TIME: 9:00 a.m.

PLACE: South Coast Air Quality

Management District

Auditorium

21865 East Copley Drive

Diamond Bar, California 91765-4182

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., June 22, 2006, and may continue at 8:30 a.m., June 23, 2006. This item may not be considered until June 23, 2006. Please consult the agenda for the meeting, which will be available at least ten days before June 22, 2006, to determine the day on which this item will be considered.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette or computer disk. Please contact ARB's Disability Coordinator at 916.323.4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact ARB's Bilingual Manager at 916.323.7053.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments of title 13, California Code of Regulations (CCR), sections 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, and 2465, which is the Statewide Portable Equipment Registration Program.

Background: The Statewide Regulation establishes a uniform program to register portable engines and equipment units in California. Portable equipment is any piston-driven engine and/or equipment unit that is designed and capable of being carried and moved from one location to another and would remain at a single location for less than 12 consecutive months. Portable engines and equipment units are used for a variety of applications, such as pumps, ground support equipment at airports, military tactical support equipment, cranes, oil well drilling, servicing and work-over rigs, power generators, dredging equipment, rock crushing and screening equipment, welding equipment, and compressors. Once registered in this voluntary program, owners and operators of portable engines and equipment units, such as portable aggregate crushing and screening plants that have particulate matter emissions not associated with a portable engine, can operate throughout the State without having to obtain permits from individual air pollution control and air quality management districts (districts) for a three year period.

The current Statewide Regulation requires a phase—in of cleaner technologies that would result in the reduction and eventual elimination of high—emission engines. By January 1, 2010, any engine registered in the Portable Equipment Registration Program (PERP) must be certified to the more stringent of California or federal nonroad emission standards. Currently, PERP has about 20,700 portable engines, 2,250 associated equipment units, and another 4,700 pieces of military tactical support equipment (TSE) registered in the program.

The Statewide Regulation was approved by the Board on March 27, 1997, and became operative on September 17, 1997. The Board also approved amendments to the Statewide Regulation on December 11, 1998, and February 26, 2004. At the February 2004 meeting, the California Air Pollution Control Officers Association (CAPCOA) raised a number of concerns related to the enforceability of the Statewide Regulation. The Board directed staff to work with CAPCOA and affected industry to resolve the concerns. ARB staff, in consultation with CAPCOA and affected industries, developed proposed amendments to the Statewide Regulation.

DESCRIPTION OF THE PROPOSED REGULATORY ACTION

The following amendments are proposed in order to increase the accountability and enforceability of the Statewide Regulation, ensure that districts are reimbursed for enforcement costs, and provide a one—time limited application period for purchasers who experienced extended time lags between ordering and accepting delivery of portable equipment. As the program has grown and more equipment has been registered, the need for an effective enforcement program has become increasingly important to the overall effectiveness of the program. Additional funds are needed to cover the districts costs for enforcing the Statewide Regulation.

Home District Designation

The proposed amendments require owners of registered engines and equipment units to designate a home district. A home district is defined as the district in which the registered engine or equipment unit would reside most of the time. Owners currently holding valid registrations would be required within ninety days of the effective date of these proposed amendments to the Statewide Regulation to submit in writing to ARB a home district designation.

Hour Meters

The proposed amendments require that all registered engines have a functional, nonresettable hour meter or equivalent device installed on the engine. Owners and operators holding valid registrations would be required within six months of the effective date of these proposed amendments to the Statewide Regulation to install an hour meter or equivalent device and notify ARB in writing that the installation was completed. New applications would not be accepted unless an hour meter or equivalent device was installed on the portable engine.

Placards

The proposed amendments would require owners and operators of registered engines and equipment units to obtain a visible registration indicator (placard) that identifies the engine or equipment unit as being registered in the PERP. The estimated cost of the placard is \$5.00 each. Payment for the placard would be required upon renewal for existing participants or at the time of initial registration for new applicants.

Recordkeeping and Reporting

The proposed amendments would require all owners and operators of registered engines and equipment units to maintain records onsite of hours of operation, process throughput, or other indicator of operation as approved by the Executive Officer. The records would have to be maintained for a minimum of five years and made avail-

able to the district or ARB upon request. The proposed amendments would require vendors selling new engines or equipment units in California to notify the buyer about this regulation and to submit to the Executive officer on a monthly basis the number of portable engines and equipment units sold for use in California including the name, address, contact information of the purchaser and the description of the engine or equipment unit including make, model and engine family name. Staff also proposes that owners and operators of registered engines and equipment units be required to submit annual reports to ARB. In addition, staff proposes requiring districts to submit an annual report summarizing the district inspections.

Notification Requirements

The proposed amendments would require owners and operators of registered equipment units, such as portable aggregate crushing and screening equipment, to notify the respective district when an equipment unit would be operated at a location for more than five days. Notification requirements for registered engines will not be required.

District Inspection Fee

The districts are responsible for enforcing the requirements of the Statewide Regulation. Pursuant to Health and Safety Code section 41752(d), ARB has established a fee schedule to cover resources necessary to operate, enforce, and maintain PERP.

ARB staff proposes increasing the district inspection fee for registered engines from \$75.00 per inspection each year to \$345.00 (\$315.00 home district inspection fee and \$30.00 general district inspection fee) every three years. In addition, staff proposes a multiple engine discount if owners make arrangements with the home district to inspect multiple engines at one time.

ARB staff proposes increasing the district inspection fee for equipment units from \$75.00 per inspection to \$98.00 per hour, not to exceed \$500.00, plus a general district inspection fee of \$75.00 every three years. For TSE, ARB staff proposes an annual general district inspection fee of \$10.00 per TSE unit.

District Inspections

The proposed amendments would require that within 45 days after the initial issuance of a registration or renewal, the owner or operator must contact the district to arrange for an inspection of the registered engine or equipment unit. The inspection must be completed within one year of the initial registration or renewal. The time for the inspection must be mutually agreed upon in advance. If the inspection does not occur, the inspection must be rescheduled within 90 days. If a registered engine or equipment unit will be out of California for that year, the owner or operator must arrange for an

inspection within 30 days upon return of the registered engine or equipment unit into California.

Recognition of Longer Lead Time for Some Engines

The Statewide Regulation requires engines that are registered after January 1, 2006, to meet the most stringent current certified engine standard. ARB staff recently became aware that some manufacturers and distributors required a longer lead time for certain engines than was originally anticipated. Recognizing this issue, ARB staff is proposing Statewide Regulation amendments to allow Tier 2 engines rated in the 175 to 750 brake horse power (bhp) range and Tier 1 engines rated greater than 750 bhp to be registered in PERP, provided the engine is in a new piece of equipment that was sold to the ultimate user between July 1, 2005, and December 31, 2005; a complete application and associated fees are received by the Executive Officer no later than November 1, 2006; and valid documentation of proof-ofpurchase date of the above requirements is provided. This provision is intended to allow the registration of a limited number of new engines that, because of unexpectedly long lead times to order, manufacture, and deliver equipment, are no longer eligible for registration in PERP.

Miscellaneous Amendments

ARB staff is proposing to modify, add, and delete terms in the definitions section, delete outdated provisions, and strengthen the appeals process. These changes are generally nonsubstantive and are intended to provide additional clarity and enforceability to the Statewide Regulation.

COMPARABLE FEDERAL REGULATIONS

In section 213 of the federal Clean Air Act, Congress directed the Administrator of the United States Environmental Protection Agency (U.S. EPA) to determine whether emissions from nonroad engines cause or significantly contribute to air pollution which may reasonably be anticipated to endanger public health and safety, and if so, promulgate emission standards for the control of such engines. Engines used in portable equipment are a general category of nonroad engines. To date, U.S. EPA has adopted emission standards for new sparkignition nonroad engines at or below 19 kilowatts (25 horsepower) and compression-ignition nonroad engines at or above 37 kilowatts (50 horsepower). Concurrent with authorizing U.S. EPA to adopt emission standards and other regulations for nonroad engines, in section 209(e)(1) Congress established a nonroad engine preemption prohibiting all states, including California, from adopting emission standards and other requirements related to the control of emissions from new nonroad engines less than 175 horsepower used in farm and construction equipment and vehicles.

In contrast to other states, however, the Clean Air Act permits California to request authorization from U.S. EPA to adopt and enforce necessary emission standards and regulations for California for all nonroad engines not otherwise expressly preempted by section 209(e)(1). To date, California has adopted several nonroad regulations, including emission standards for new spark–ignition engines at or below 19 kilowatts (25 horsepower) and compression–ignition engines at or above 37 kilowatts (50 horsepower). Both regulations have received authorization from U.S. EPA.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary to the economic and environmental impacts of the proposal. The report is entitled: Proposed Amendments to the Regulation for the Statewide Portable Equipment Registration Program.

Copies of the ISOR and the full text of the proposed regulatory language may be obtained from the Board's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California 95814, (916) 322–2990 at least 45 days prior to the scheduled hearing which will begin on June 22, 2006.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the web site listed below.

Inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons, Kitty Howard, Manager of the Regulatory Assistance Section, at (916) 322–3984, or by email at khoward@arb.ca.gov or Chris Gallenstein, Air Pollution Specialist, Regulatory Assistance Section, (916) 324–8017, or by e-mail at cgallens@arb.ca.gov.

Further, the agency representative and designated back—up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration and Regulatory Coordination Unit, (916) 322–6070, and Alexa Malik, Regulations Coordinator, (916) 322–4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at http://www.arb.ca.gov/regact/perp06/perp06.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determination of the Executive Officer concerning the costs or savings necessarily incurred by public agencies, private persons, and businesses in reasonable compliance with the proposed amendments to the Statewide Regulation are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will result in minor costs and/or savings impacts to some State agencies, no impact on federal funding to the state, and some costs to local agencies or school districts that are not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, and title 2 of the Government Code, as discussed below or other non–discretionary savings to local agencies.

The increased costs are from the proposed increase in district inspection fees, increased recordkeeping and reporting requirements, costs to install hour meters, and costs for obtaining placards. ARB staff estimates that the total economic impact of the proposed amendments to the Statewide Regulation to affected private businesses and public (local, State, and federal) agencies is \$54.2 million over its lifetime. The increased costs to private businesses is estimated to be \$50.5 million. The increased costs to public agencies is estimated to be \$3.7 million. Because this is a voluntary program, private businesses and public agencies that do not wish to participate in PERP may obtain permits from the districts.

Staff estimates that 1,900 private businesses will be affected by the proposed amendments. The total economic cost for private businesses to comply with the proposed amendments to the Statewide Regulation is estimated by ARB staff to be \$50.5 million.

Staff estimates that 181 local agencies will be affected by the proposed amendments. The total economic cost for local agencies to comply with the proposed amendments to the Statewide Regulation is estimated by ARB staff to be \$2.9 million.

Staff estimates that eight State agencies will be affected by the proposed amendments. The total economic cost for State agencies to comply with the proposed amendments to the Statewide Regulation is estimated by ARB staff to be \$53,000.

Staff estimates that 50 federal agencies will be affected by the proposed amendments. The total economic cost for federal agencies to comply with the proposed amendments to the Statewide Regulation is estimated by ARB staff to be \$780,000.

The Executive Officer has made an initial determination that the proposed regulatory action will have minimal statewide adverse economic impacts directly affecting businesses. The Executive Officer has also assessed that the proposed regulatory action will have minimal statewide adverse economic impacts directly affecting the ability of California businesses to compete with businesses in other states or representative private persons.

The Executive Officer has determined, pursuant to title 1, CCR, section 4, that the proposed amendments to the Statewide Regulation will affect small businesses. The total economic impact to small businesses would be \$35.4 million dollars over the five year period that the costs of the proposed amendments to the Statewide Regulation would be incurred.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. A detailed assessment of economic impacts of the proposed regulatory action can be found in the ISOR.

1n accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the amended reporting requirements that apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

The proposed amendments to the Statewide Regulation will continue to have a beneficial effect on the California business climate by eliminating the need for duplicative permits, allowing increased flexibility, and lowering overall costs compared to obtaining and maintaining multiple district permits.

Before taking final action on the proposed regulation, the Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the amendment is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions must be received **no later than 12:00 noon, June 21, 2006**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board Air Resources Board 1001 "I" Street, 23rd Floor Sacramento, California 95814

Electronic submittal: http://www.arb.ca.gov/lispub/comm/bclist.php no later than 12:00 noon, June 21, 2006.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322–3928 and received at the ARB no later than 12:00 noon, June 21, 2006.

The Board requests, but does not require, 30 copies of any written submission. Also the ARB requests that written, facsimile, and e-mail statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted to the ARB in Health and Safety Code sections 39600, 39601, 41752, 41753, 41754, 41755, 43013, and 43018. This action is proposed under the authority granted to the ARB in Health and Safety Code sections 41750, 41751, 41752, 41753, 41754, and 41755.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the ARB may adopt the regulatory language as originally proposed or with non–substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 "I" Street, Visitors and Environmental Center, First Floor, Sacramento, California 95814, (916) 322–2990.

TITLE 14. DEPARTMENT OF FISH AND GAME, OFFICE OF SPILL PREVENTION AND RESPONSE

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Sections 851.8, 851.23, 851.51.1, 851.85, and 852.3 in Chapter 4, Subchapter 5 of Title 14 of the California Code of Regulations (CCR). These sections pertain to tank vessel escort tug requirements.

PUBLIC HEARING

Two public hearings have been scheduled at which any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearings will continue until all testimony is completed, and they will be held as follows:

Tuesday, June 20, 2006 Port of Long Beach Administration Building 925 Harbor Plaza 6th Floor Board Room Long Beach, California 10 a.m. — 1 p.m.

Thursday, June 22, 2006 Bay Model Visitor's Center 2100 Bridgeway Sausalito, California 10 a.m.— 1 pm.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than 5:00 p.m. on June 22, 2006, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game Office of Spill Prevention and Response P.O. Box 944209 Sacramento, California 94244–2090 Attention: Joy D. Lavin–Jones Fax: (916) 324–5662

E-mail: jlavinj@ospr.dfg.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals — with changes clearly indicated — will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Government Code Section 8670.23.1 grants the Administrator the authority to adopt regulations and guidelines for harbor safety plans in consultation with the port authorities of the harbors and other affected parties. These regulations implement, interpret and make specific Government Code Section 8670.23.1. Government Code Section 8670.23.1(d) requires that the Administrator shall give his highest priority to the development of regulations and guidelines concerning tug escorts.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert–Keene–Seastrand Oil Spill Prevention and Response Act (Chapter 1248, Statutes of 1990) (Act), created a comprehensive state oil spill program for marine waters. Among its many provisions, the Act authorized the Administrator to create harbor safety committees for the following five harbors: San Diego; Los Angeles/Long Beach; Port Huenume; San Francisco, San Pablo and Suisun Bays; and Humboldt Bay. Each committee is required to develop harbor safety plans for the safe navigation and operation of tankers, barges and other vessels within the harbors. Government Code Section 8670.23.1 also directed the Administrator to adopt regulations and guidelines implementing tug escort requirements for the specified harbors.

Following the enactment of the above–cited legislation, and the establishment of the Office of Spill Prevention and Response (OSPR), regulations governing tug escort requirements were drafted to clarify the guidelines for tug escorts at each individual harbor, to address the peculiarities of local waters that call for special precautionary measures. These sections establish clear and consistent guidelines to those parties either affected by their adoption or charged with their enforcement. These regulations were necessary to implement, interpret and make specific Government Code Sections 8670.17.2 and 8670.23.1.

There are existing regulations that require the periodic re—testing the bollard pull (braking force) of tugs used to escort tank vessels, which assist in the event of a propulsion or steering failure. Government Code Section 8670.17.2(b) directs the Administrator to determine that a tug boat is of sufficient size, horsepower and pull capability to perform their escort and assist functions adequately. The bollard pull test measures this capability. Conducting a bollard pull test involves tying up the tug to a dock and pulling against a "bollard" for a specified duration of time to measure the force of the pull. Understandably, boat docks are not receptive to allowing this type of test at their facility. The only location in the Los Angeles/Long Beach area that allowed the bollard pull test closed at the end of March 2005.

There is documentation that the bollard pull of a tug does not appreciably change between tests, which are conducted every three years. The tug will still be adequately able to perform their escort and assist functions for tank vessels even if the Administrator allows an extension of the bollard pull re—test. The Administrator felt that a two year extension (accomplished via an emergency rulemaking) was adequate to give the tug industry enough time to deal with the practical difficulties of complying with the requirement for a bollard—pull re—test, including finding a new site to conduct the test or any alternatives to the test itself.

To this end, representatives from OSPR and tug companies throughout the state formed an Escort Tug Action Team (ETAT) which has examined the issues surrounding the bollard pull re—test and any alternatives that might be acceptable to the industry and OSPR. The ETAT has made its recommendations, and has presented their findings to the five Harbor Safety Committees (HSCs) throughout the state. This rulemaking implements the recommendation of the ETAT. Specifically, this rulemaking proposes the following changes for the five harbors of the state:

San Francisco Bay Region: clarifies that the braking force (i.e., bollard pull) shall be remeasured after any modifications or repairs as listed; and proposes an Escort Tug Inspection Program, as an option to the requirement for routine re—testing of the braking force every three years.

Los Angeles/Long beach Harbor: clarifies that the braking force shall be re-measured after any modifications or repairs as listed; and proposes an Escort Tug Inspection Program, as an option to the requirement for routine re-testing of the braking force every three years.

Port Hueneme Harbor: clarifies that the braking force shall be re–measured after any modifications or repairs as listed. The new measurements must be registered with the Oxnard Harbor District.

Humboldt Bay: clarifies that the braking force shall be re-measured after any modifications or repairs as listed. The new measurements must be registered with the Humboldt Bay Harbor District.

San Diego Harbor: clarifies that the braking force shall be re-measured after any modifications or repairs as listed. The new measurements must be registered with the U.S. Coast Guard Captain of the Port and the San Diego Harbor Safety Committee

Amendments have already been implemented through an emergency rulemaking (OAL Emergency File No. 06–0224–02E) that went into effect on March 1, 2006. The change enacted in the emergency rulemaking was to allow an extension of up to two years, instead of one, on the bollard–pull re–test for Los Angeles Long Beach Harbor. This was to give the ETAT the time to finalize and complete their review, and to make their recommendation to the Administrator and Harbor Safety Committees. The two–year time frame also gives OSPR the time needed to process the subsequent regulation changes. This rulemaking implements the recommendation of the ETAT review, and is a follow–up to the emergency action.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10 AND 8670.55

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil Spill Committee for review and comment; and in accordance with Government Code Section 8670.55, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses:

These amendments give a comparable option to current practices of re–testing bollard pull, and will not result in significant additional costs to private persons or directly affected businesses. The OSPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

The OSPR has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

The OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OSPR must determine that no reasonable alternative that has been considered or that has otherwise been identified and brought to the attention of OSPR would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

OSPR has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, forms, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Game Office of Spill Prevention and Response P.O. Box 944209 Sacramento, California 94244–2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

www.dfg.ca.gov/ospr/organizational/legal/ regulations/regulations.htm

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance of this regulatory action may be directed to Joy Lavin–Jones ((916) 327–0910), or Ted Mar ((916) 323–6281).

TITLE 15. DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Section 3276 in the California Code of Regulations (CCR), Title 15 concerning Firearms.

PUBLIC HEARING

Date and Time: June 29, 2006, 9:00 a.m. to 9:30 a.m.

Place: Water Resources Auditorium

1416 Ninth Street Sacramento, CA 95814

Purpose: To receive comments about this

action.

PUBLIC COMMENT PERIOD

The public comment period will close **June 29, 2006**, at 5:00 p.m. Any person may submit public comments

in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283–0001; by fax at (916) 358–2636; or by e-mail at *RPMB@cdcr.ca.gov* before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief Regulation and Policy Management Branch Department of Corrections and Rehabilitation P.O. Box 942883, Sacramento, CA 94283–0001 Telephone (916) 358–1655

In the event the contact person is unavailable, inquires should be directed to the following back—up person:

John McClure Regulation and Policy Management Branch Telephone (916) 358–1655

Questions regarding the substance of the proposed regulatory action should be directed to:

Mike Enos Captain, Community Correctional Facilities Telephone (916) 327–1132

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: None. It has been determined that minor costs associated with locks/cameras can be absorbed within existing budgets.
- Other nondiscretionary cost or savings imposed on local agencies: *None*.
- Cost or savings in federal funding to the state: *None*.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs:

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no affect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website http://www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Effective on July 1, 2005, the Youth and Adult Correctional Agency (YACA), which consisted of the California Department of Corrections (CDC), the California Youth Authority (CYA), the Board of Prison Terms, the Board of Corrections, the Youth Authority Board, and the Narcotic Addict Evaluation Authority was abolished and reorganized into the Department of Corrections and Rehabilitation.

Government Code (GC) Section 12838(a) creates the Department of Corrections and Rehabilitation (CDCR), headed by a secretary.

GC Section 12838.5 vests to the CDCR, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished entities: YACA, CDC, Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and State Commission on Juvenile Justice, Crime and Delinquency Prevention. The abolished entities are known as "predecessor entities."

GC Section 12838.8 authorizes that all regulations adopted by the predecessor entities, continuing entities, and any of their predecessors are expressly continued in force, and any statue, law, rule, or regulation now in force or that may hereafter be enacted or adopted with reference to the predecessor entities and any of their predecessors shall mean the CDCR.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

Penal Code (PC) Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5055 provides commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR except where those powers and duties are expressly vested by law in the Board of Parole Hearings.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons

- This action allows the Department to exempt Community Correctional Facilities (CCFs) from the armory armed post coverage requirement, provided they are under some form of a 24-hour-a-day observation and equipped with alarms.
- This proposed amendments will bring the Department into regulatory complicance by requiring the constant supervision of each CCF armory be provided, either directly by staff observation or video surveillance, and that each armory be equipped with an audible electronic alarm.

 Changes for enhanced clarity are also made to meet departmental standards.

TITLE 15. DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED REGULATIONS

California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Subsections 3375.2 and 3377.1 in the California Code of Regulations (CCR), Title 15 concerning inmate custody designations.

PUBLIC HEARING

Date and Time: June 29, 2006, 11:00 a.m. to

12:00 a.m.

Place: Water Resources Auditorium

1416 Ninth Street Sacramento, CA 95814

Purpose: To receive comments about this

action.

PUBLIC COMMENT PERIOD

The public comment period will close **June 29, 2006, at 5:00 p.m**. Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283–0001; by fax at (916) 358–2636; or by e-mail at *RPMB@cdcr.ca.gov* before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief Regulation and Policy Management Branch Department of Corrections and Rehabilitation P.O. Box 942883, Sacramento, CA 94283–0001 Telephone (916) 358–1655

In the event the contact person is unavailable, inquires should be directed to the following back—up person:

John McClure Regulation and Policy Management Branch Telephone (916) 358–1655

Questions regarding the substance of the proposed regulatory action should be directed to:

Mike Enos

Captain, Community Correctional Facilities Telephone (916) 327–1132

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*.
- Other nondiscretionary cost or savings imposed on local agencies: *None*.
- Cost or savings in federal funding to the state: *None*.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide

adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no affect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website http:///www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Effective on July 1, 2005, the Youth and Adult Correctional Agency (YACA), which consisted of the California Department of Corrections (CDC), the California Youth Authority (CYA), the Board of Prison Terms, the Board of Corrections, the Youth Authority Board, and the Narcotic Addict Evaluation Authority was abolished and reorganized into the Department of Corrections and Rehabilitation.

Government Code (GC) Section 12838(a) creates the Department of Corrections and Rehabilitation (CDCR), headed by a secretary.

GC Section 12838.5 vests to the CDCR, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished entities: YACA, CDC, Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and State Commission on Juvenile Justice, Crime and Delinquency Prevention. The abolished entities are known as "predecessor entities."

GC Section 12838.8 authorizes that all regulations adopted by the predecessor entities, continuing entities, and any of their predecessors are expressly continued in force, and any statue, law, rule, or regulation now in force or that may hereafter be enacted or adopted with reference to the predecessor entities and any of their predecessors shall mean the CDCR.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

Penal Code (PC) Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5055 provides commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR except where those powers and duties are expressly vested by law in the Board of Parole Hearings.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

- This action allows the Department to identify inmates with a history of specific sex offenses, and to limit the inmate's opportunity to escape or to re-offend while in custody.
- This proposed amendments will standardize the application of the "R" suffix custody designation with Penal Code (PC) Section 290, Sex Offender —Registration Requirements.
- This amendment will correlate the Department's regulations for applying an "R" suffix to an inmate's custody, to the PC requirement that sex offenders guilty of specific offenses must register as a sex offender for life.
- Changes for enhanced clarity, including references, are also made to meet departmental standards.

TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

NOTICE OF PROPOSED REGULATION **ADOPTION**

California Code of Regulations Title 17. — Public Health Division 4 — California Institute For **Regenerative Medicine** Chapter 3

Date: May 5, 2006

Deadline for Submission of Written Comment: June

19,2006 - 5:00 p.m.

Hearing Date: June 19, 2006 — 9:00 a.m.

Subject Matter of **Proposed Regulations:** Policy for Non-Profit **Intellectual Property** Organizations.

Sections Affected:

The proposed regulations adopt Chapter 3 and sections 100300, 100301, 100302, 100303, 100304,

100305, 100306, 100307, 100308, 100309 and 100310 of Title 17 of the California Code of Regulations.

Authority: Article XXXV of the California Constitution and Health and Safety Code section 125290.40, subdivision (i).

Reference: Section 125290.30, Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT **OVERVIEW**

The California Institute for Regenerative Medicine ("Institute" or "CIRM") was established in early 2005 with the passage of Proposition 71 (the "Act"), the California Stem Cell Research and Cures Initiative. The statewide ballot measure, which provides \$3 billion in funding for stem cell research and dedicated facilities at California universities and research institutions, was approved by California voters on November 2, 2004, called for the establishment of a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities.

The Independent Citizens' Oversight Committee ("ICOC") is the 29-member governing board for the Institute. The ICOC members are public officials, appointed on the basis of their experience earned in California's leading public universities, non-profit academic and research institutions, patient advocacy groups and the biotechnology industry.

The proposed regulations comprise the first of two CIRM intellectual property policies; a second CIRM intellectual property policy will be written to regulate intellectual property that may arise from CIRM funding of for-profit organizations. These regulations are designed to meet the dual goals of academic openness and the need to bring scientific advances to the public via commercialization. A primary objective of the proposed regulations is to promote sharing of all types of intellectual property created as a consequence of CIRM funding for use in research conducted by both academic and commercial research and development organizations. Through the sharing of CIRM-funded data, knowledge, biomedical materials and patented inventions, CIRM strives to promote the general advancement of stem cell research and regenerative medicine. Another objective of the proposed regulations is to facilitate the commercialization of CIRM-funded discoveries without impeding the progress of stem cell research. To facilitate the translation of scientific discoveries to medical therapies, these regulations recognize the importance of transferring research results in the public interest through effective communication and collaboration with commercial entities with appropriate expertise, resources and capacity. Finally, the regulations aim to provide a financial benefit to the State of California through revenue sharing in the event that CIRM-funded discoveries lead to valuable diagnostics and/or medical therapies.

The core principles of the CIRM intellectual property regulations for non–profit organizations are as follows:

- 1. Ownership: CIRM grantee non-profit organizations will own intellectual property that arises from CIRM-funded research activities.
- 2. Broad Sharing: Intellectual property, including but not limited to data, knowledge, scientific articles, biomedical materials and patented inventions, that are made in the performance of CIRM—funded research will be shared broadly and promptly with the scientific community. This CIRM sharing policy is structured to extend the sharing of CIRM—funded intellectual property beyond practices commonly in use by the scientific community in 2006.
- Research Exemption: Patented inventions that are made in the performance of CIRM-funded research are to be made freely available for research purposes in California research institutions.
- 4. Licensing: For patented inventions that are made in the performance of CIRM-funded research, grantee organizations are expected to negotiate non-exclusive licensing agreements where possible except in those circumstances when exclusivity is required to encourage the successful commercial development of the invention into products and services that can benefit the public. In addition, CIRM has established licensing policies regarding access to resultant therapies and revenue—sharing.
- March-in rights: Like other funding agencies, CIRM maintains a licensing provision referred to as march-in rights, the purpose of which is to prevent the underutilization of CIRM-funded inventions.

Specifically, the proposed regulations apply to recipients of CIRM grants and establish invention reporting rules, address discovery publication requirements, require sharing of biomedical materials, address patent costs and reporting of patent applications, establish rules regarding granting of exclusive and non–exclusive licenses for patented inventions, create a research exemption for patented inventions for California research institutions, require revenue sharing with the state of California under certain circumstances, require cooperation with the CIRM in press releases referring to CIRM–funded research, and describe the circumstances for march–in rights.

Technical, Theoretical or Empirical Studies, Reports or Documents:

There are many sources that provide helpful information about the administration of CIRM-supported grants or that are relevant to the regulations. Below is a compendium of websites that contains information and useful reports relating to intellectual property, data and materials sharing, and licensing trends. Some components of the proposed regulations were developed using guidelines and regulations contained in these documents:

A. General Interest Sites:

CIRM—http://www.cirm.ca.gov/ NAS—http://www.nas.edu/

NIH—http://www.nih.gov

B. Reports:

Data and biomedical materials sharing:

 1999 Principles and Guidelines for Recipients of NIH Research Grants and Contracts on Obtaining and Disseminating Biomedical Research Resources

http://ott.od.nih.gov/pdfs/64FR72090.pdf

 2003 Sharing Publication–Related Data and Materials

http://www.nap.edu/catalog/10613.html

- 2004 A Patent System for the 21st Century http://www.nap.edu/catalog/10976.html
- 2005 Considerations in Developing an Intellectual Property Model for Research Grants Awarded by the California Institute for Regenerative Medicine
- 2005 Policy Framework for Intellectual Property Derived from Stem Cell Research in California

http://www.ccst.us/ccst/subs/IP/IP%20Interim.pdf

 2005 Implementation of Proposition 71: Options for Handling Intellectual Property Associated with Stem Cell Research Grants

http://democrats.sen.ca.gov/articlefiles/455110. 31.05%20IP%20hearing%20transcript.doc

• 2005 Reaping the Benefits of Genomic and Proteomic Research: Intellectual Property Rights, Innovation and Public Health

http://www.nap.edu/catalog/11487.html

• 2006 Policy Framework for Intellectual Property Derived from State Funded Research

http://www.ccst/us/ccst/pubs/ip/ipfinal.pdf

General patent information:

- http://web.mit.edu/tlo/www/patentbars.html
- http://www.uspto.gov/

Licensing trends:

 2002 Association for University Technology Managers: Licensing Survey

http://www.autm.net/events/File/Surveys/02 Abridged_Survey.pdf

• 2003 Association for University Technology Managers: Annual Report

http://www.autm.net/events/File/Surveys/03 Abridged Survey.pdf

Alternative intellectual property models:

 2003 Independent Evaluation of the International AIDS Vaccine Initiative

http://www.iavi.org/file.cfm?fid=416

• 2004 International AIDS Vaccine Initiative Annual Report

http://www.iavi.org/viewpage.cfm?aid=48

Biotechnology

 2004 California's Biomedical Industry http://chi.org/brandomatic/othermedia/chi/biomed.pdf

C. Public Input

Public input received at nine public meetings conducted by the ICOC and Intellectual Property Task Force Subcommittee on: February 3, 2005; July 12, 2005; August 5, 2005; October 25, 2005; November 2, 2005; November 22, 2005; December 5, 2005; January 23, 2006; and February 10, 2006.

Copies of the documents referenced above may be found at the internet site listed. In addition, these documents are also available at the offices of CIRM located at 210 King Street, San Francisco, California, 94107. Transcripts and meeting minutes of the meetings referenced in Section "C" are available on CIRM's website, www.cirm.ca.gov under the "Meetings Transcripts" link.

Submittal of Comments:

Any interested party may present comments in writing about the proposed action to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on June 19, 2006. Comments regarding this proposed action may also be trans-

mitted via e-mail to <u>nonprofitipregs@cirm.ca.gov</u> or by facsimile transmission to (415) 396–9141.

A public hearing has been scheduled for the time and place stated below to receive **oral comments** regarding the proposed regulatory action.

Date: June 19, 2006

Time: 9:00 a.m. to noon.

Place: California Institute for Regenerative

Medicine 250 King Street

San Francisco, CA 94117

A CIRM representative will preside at the hearing. Persons who wish to speak will be asked to register before the hearing. The registration of speakers will be conducted at the location of the hearing from 8:30 a.m. to 9:00 a.m. Any other person who wishes to speak at the hearing will be afforded the opportunity to do so after the registered persons have been heard. If the number of registered persons in attendance warrants, the hearing officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard. Oral comments presented at a hearing carry no more weight than written comments.

Effect on Small Business:

CIRM has determined that the proposed regulatory action has no impact on small businesses. The regulations implement conditions on awarding grants for stem cell research. This research is conducted almost exclusively by large public and private non–profit institutions, as well as large for–profit institutions. As such, the regulations are not expected to adversely impact small business as defined in Government Code section 11342.610.

Impact on Local Agencies or School Districts:

CIRM has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

Costs or Savings to State Agencies:

CIRM has determined that no savings or increased costs to any agency will result from the proposed regulatory action.

Effect on Federal Funding to the State:

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed regulatory actions.

Effect on Housing Costs:

CIRM has made an initial determination that the proposed actions will have no effect on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses:

CIRM has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California Businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses:

CIRM has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Impact on the Creation, Elimination, or Expansion of Jobs:

CIRM has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Consideration of Alternatives:

CIRM must determine that no reasonable alternatives considered by the agency, or that have otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the regulatory action.

Availability of Statement of Reasons and Text of Proposed Regulations:

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

Availability of Changed or Modified Text:

After the close of the comment period, CIRM may make the regulation permanent if it remains substantial-

ly the same as described in the Policy Statement Overview. If CIRM does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

Agency Contact:

Written comments about the proposed regulatory action; requests for a copy of the Initial Statements of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

C. Scott Tocher, Interim Counsel California Institute For Regenerative Medicine 210 King Street San Francisco, CA 94107 (415) 396–9100

Questions on the substance of the proposed regulatory action may be directed to:

Mary E. Maxon, Ph. D., Deputy Vice Chair California Institute For Regenerative Medicine (415) 396–9100

The Notice of Proposed Regulatory Adoption, the Initial Statement of Reasons and any attachments, and the proposed text of the regulations are also available on CIRM's website, www.cirm.ca.gov.

Availability of Final Statement of Reasons:

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9, subdivision (a), may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on CIRM's webpage and accessed at www.cirm.ca.gov.

GENERAL PUBLIC INTEREST

TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on

Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that it's Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc. DBA ASI Telesystems, Inc. 21150 Califa Street Woodland Hills, CA 91367

Bay Recycling 800 77th Avenue Oakland, CA 94621

C & C Disposal Service P.O. Box 234 Rocklin, CA 95677

Choi Engineering Corp. 286 Greenhouse Marketplace, Suite 329 San Leandro, CA 94579

Fries Landscaping 25421 Clough Escalon, CA 95320

Marinda Moving, Inc. 8010 Betty Lou Drive Sacramento, CA 95828

MI–LOR Corporation P.O. Box 60 Leominster, MA 01453

Peoples Ridesharing 323 Fremont Street San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital 446 26th Street San Diego, CA

Southern CA Chemicals 8851 Dice Road Santa Fe Springs, CA 90670 Tanemura and Antle Co. 1400 Schilling Place Salinas, CA 93912

Turtle Building Maintenance Co. 8132 Darien Circle Sacramento, CA 95828

Univ Research Foundation 8422 La Jolla Shore Dr. La Jolla, CA 92037

Vandergoot Equipment Co. P.O. Box 925 Middletown, CA 95461

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

VARIANCE ISSUED TO FOCIL–MB, LLC BY DEPARTMENT OF TOXIC SUBSTANCES CONTROL

On April 7, 2006, the Regulatory and Program Development Division of the Department of Toxic Substances Control (DTSC) issued a variance to FOCIL-MB, LLC (FOCIL). Authority for this action is found in chapter 6.5, division 20 of Health and Safety Code, section 25143. The variance waives the requirements of Health and Safety Code section 25160 and California Code of Regulations, title 22, sections 66263.20 through 66263.23. The variance allows FOCIL to use a bill of lading in lieu of a manifest to transport hazardous waste soils not subject to federal regulation along public roads within the Mission Bay redevelopment project, located approximately one mile south of the financial district in downtown San Francisco. The Misssion Bay redevelopment consists of 6,000 housing units and a new UC San Francisco Campus for biotechnology research, retail space, new hotel, public school and fire and police station. A Risk Management Plan approved by the San Francisco Regional Water Control Board addresses the management of soils, including movement of soil from one area of Mission Bay to another. Contact: Susan Solarz at (916) 324-1799.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS

TITLE 22, CALIFORNIA CODE OF REGULATIONS SECTION 12805

OAL RULEMAKING FILE No. Z-05-0614-06

[Proposition 65 Maximum Allowable Dose Level (MADL) for Reproductive Toxicity for Di(2-ethylhexyl)phthalate (DEHP) by Oral Exposure]

May 5, 2006

Pursuant to the requirements of Government Code section 11346.8(c), Title 1, section 44 of the California Code of Regulations, the Office of Environmental Health Hazard Assessment (OEHHA) is providing notice of changes made to the proposed regulations, Title 22, California Code of Regulations, section 12805. These proposed regulations were originally the subject of a Notice of Proposed Rulemaking issued on June 24, 2005. A public hearing was held on August 8, 2005. Written and oral testimony was accepted at the hearing. In addition, written comments were received during the 45–day public comment period that ended on August 8, 2005.

This modification of text addresses an issue that was raised by the Office of Administrative Law (OAL) in its review of a similar regulatory proposal, the proposed maximum allowable dose levels (MADLs) for DEHP by the intravenous (iv) route. On December 13, 2005, OAL disapproved the proposed iv MADLs for DEHP regulation in part for failing to comply with the "clarity" standard required by the Administrative Procedure Act. OAL noted in its rejection that the age groups for neonatal boy and infant boy specified in the regulations did not have a meaning generally familiar to those directly affected, and that the terms were defined neither

in the regulation nor in the governing statute. OAL also noted that the proposed MADLs did not show levels applicable to ages between infant and adult.

OEHHA addressed these issues for the iv MADLs by renaming "neonatal" as "neonatal infant," by specifying ages for "neonatal infant" and "infant," and by providing guidance for calculation of MADLs for males in the age groups between infant and adult. The regulatory process has since been completed and these changes for the iv MADL are currently being reviewed by the Office of Administrative Law for approval of adoption in regulation at a future date. OEHHA has modified the text of the proposed MADL regulation for DEHP by the oral route in the same manner. In addition, OEHHA has correspondingly updated its support document "Proposition 65 Maximum Allowable Dose Level (MADL) for Reproductive Toxicity for Di(2-ethylhexyl)phthalate (DEHP) by Oral Exposure" to reflect and explain these changes. No other substantive modification was made to this document.

This notice announces the availability of the modified proposed regulatory text and supporting document for public comment. Comments regarding the proposed changes to the text of regulations, or the inclusion of the specified document, will be accepted by OEHHA between May 5, 2006 through May 22, 2006. All written comments must be submitted to OEHHA by e-mail, mail, fax, courier or hand-delivery, no later than 5:00 p.m. on May 22, 2006, and addressed to:

Susan Luong

Office of Environmental Health Hazard Assessment Mailing Address: P. O. Box 4010 Sacramento, California 95812–4010

 $Street\,Address: 1001\,I\,Street, 19^{th}\,Floor$

Sacramento, California 95814

Fax No.: (916) 323–8803 Telephone: (916)

445-6900

Comments transmitted via email should be addressed to: sluong@oehha.ca.gov.

It is requested but not required that written statements or arguments be submitted in triplicate.

A copy of the revised proposed regulatory text is attached. The original proposed text that was not amended is shown in single underline. Amendments to the proposed text are shown in double–underline or single strike–out. The revisions to the supporting document "Proposition 65 Maximum Allowable Dose Level (MADL) for Reproductive Toxicity for Di(2–ethylhexyl)phthalate (DEHP) by Oral Exposure" are shown in single–underlined or strike–out. Inquiries concerning the action described in this notice may be directed to Susan Luong, in writing, at the address given above, or by telephone at (916) 445–6900.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE TO INTERESTED PARTIES May 5, 2006

MAY 24, 2006 MEETING OF THE SCIENCE ADVISORY BOARD'S DEVELOPMENTAL AND REPRODUCTIVE TOXICANT (DART) IDENTIFICATION COMMITTEE

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

The Developmental and Reproductive Toxicant (DART) Identification Committee of OEHHA's Science Advisory Board identifies chemicals for addition to the list of chemicals known to the State to cause reproductive toxicity, which is mandated by Health and Safety Code Section 25249.8. The Committee serves as the "State's qualified experts" for determining whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause reproductive toxicity.

A public meeting of this committee will be held on Wednesday, May 24, 2006 at the California Environmental Protection Agency Headquarters Building, *Coastal Hearing Room*, at 1001 I Street, Sacramento, California, beginning at 10:00 a.m. and continuing until all business has been conducted, or 4:00 p.m. The tentative agenda for this meeting is as follows.

I. WELCOME AND OPENING REMARKS

II. CONSIDERATION OF CHEMICAL AS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

A. Environmental Tobacco Smoke

- Staff presentation
- Committee discussion
- Public comments
- Committee discussion and decision

III. UPDATES

• Status of various Proposition 65 activities

IV. SUMMARY OF COMMITTEE ACTIONS

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

NOTICE OF ADDITION OF DOCUMENTS AND INFORMATION TO OAL RULEMAKING FILE No. Z-05-0614-06

AMENDMENT TO TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTION 12805, SPECIFIC REGULATORY LEVELS: CHEMICALS CAUSING REPRODUCTIVE TOXICITY

[Proposition 65 Maximum Allowable Dose Level (MADL) for Reproductive Toxicity for Di(2–ethylhexyl)phthalate (DEHP) by Oral Exposure]

May 5, 2006

Pursuant to the requirements of Government Code sections 11346.8(d), 11346.9(a)(1), and 11347.1, the Office of Environmental Health Hazard Assessment (OEHHA) is providing notice that documents and other information which the agency has relied upon in proposing amendments to Title 22, California Code of Regulations, section 12805, have been added to the rulemaking file and are available for public inspection and comment.

The purpose of this notice is to enter all relevant documents into the Rulemaking File, OAL File No. Z-05-0614-06. All the documents included in this notice had not been previously included in the Rulemaking File, OAL File No. Z-05-0614-06, but have been considered by OEHHA in establishing the proposed maximum allowable dose levels (MADLs) for DEHP by oral exposure. Of these documents, one is the revised draft OEHHA document supporting the proposed MADLs for DEHP by oral exposure (OEHHA, 2006), two others (Koch et al., 2003 and Stedman's Medical

Dictionary, 27th edition, 2003) are cited in the revised draft MADL document (OEHHA, 2006) and listed in the References section of this document.

All other documents on the list below have been identified in the Bibliography section of the revised draft OEHHA document supporting proposed MADLs for DEHP by oral exposure (OEHHA, 2006). All the documents identified in the Bibliography section of the document have been considered by OEHHA staff but did not directly contribute to the development of the MADLs and were not cited in the main text in the OEH-HA (2006) MADL document. Thus, these papers are sources of potentially relevant information. Some documents identified in this notice are research or review papers that became available to OEHHA after preparation of the draft MADL document was completed and released to the public for comment on June 24, 2005. OEHHA staff reviewed these papers as they became available, and determined that no substantial revision to the MADL document was necessitated by these papers.

These documents are available for inspection at the OEHHA's office located at 1001 "I" Street, 19th Floor, Sacramento, CA from May 5, 2006 through May 22, 2006, between the hours of 8:00 a.m. and 5:00 p.m. If you have any comments regarding the documents and other information, OEHHA will accept written comments between (date) and (date). All written comments must be submitted to OEHHA by e-mail, mail, fax, courier or hand-delivered, no later than 5:00 p.m. on May 22, 2006 and addressed to:

Susan Luong

Office of Environmental Health Hazard Assessment

Street Address: 1001 I Street, 19th Floor

Sacramento, CA 95814

Mailing Address: P.O. Box 4010

Sacramento, CA 95812 Fax No.: (916) 323–8803 Telephone: (916) 445–6900

Comments transmitted via email should be addressed to: sluong@oehha.ca.gov.

It is requested but not required that written statements or arguments be submitted in triplicate. All written comments received by **May 22, 2006,** which pertain to the above–listed documents and other information will be reviewed and responded to by OEHHA's staff as part of the compilation of the rulemaking file.

Inquiries concerning the action described in this notice may be directed to Susan Luong, in writing, at the address given above, or by telephone at (916) 445–6900.

Documents and information added to Notice File No. Z-05-0614-06:

Revised draft OEHHA document supporting proposed MADLs for DEHP by oral exposure:

Office of Environmental Health Hazard Assessment (OEHHA, 2006). Proposition 65 Maximum Allowable Dose Level (MADL) for Reproductive Toxicant for Di(2–ethylhexyl)phthalate (DEHP) by Oral Exposure. OEHHA Reproductive and Cancer Hazard Assessment Section, California Environmental Protection Agency, Sacramento, April.

Research papers or document cited and listed as "References" in the OEHHA (2006) document:

Koch HM, Rossbach B, Drexler H, Angerer J (2003). Internal exposure of the general population to DEHP and other phthalates—determination of secondary and primary phthalate monoester metabolites in urine. *Environ Res* **93**, 177–85.

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Research papers or document listed in the Bibliography in the OEHHA (2006) document:

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Center for the Evaluation of Risks to Human Reproduction (CERHR, 2005). NTP–CERHR Expert Panel Update on the Reproductive and Developmental Toxicity of Di (2–ethylhexyl) Phthalate. National Toxicology Program, U.S. Department of Health and Human Services, Research Triangle Park, NC, November.

Chapin RE, Gray TJ, Phelps JL, Dutton SL (1988). The effects of mono–(2–ethylhexyl)–phthalate on rat Sertoli cell–enriched primary cultures. *Toxicol Appl Pharmacol* **92**, 467–79.

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DISAPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814–4339, (916) 323–6225 — FAX (916) 323–6826. Please request by OAL file number.

MEDICAL BOARD OF CALIFORNIA

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW

In re:

AGENCY: MEDICAL BOARD OF CALIFORNIA RULEMAKING ACTION: Amend section 1321 of title 16 of the California Code of Regulations

DECISION OF DISAPPROVAL OF REGULATORY ACTION

(Gov. Code, sec. 11349.3)

OAL File No. 06-0306-03S

SUMMARY OF RULEMAKING ACTION

This rulemaking action revises an existing regulation that deals with Approved Postgraduate Training. The proposed regulation was submitted by the Medical Board of California ("Board") to the Office of Administrative Law ("OAL") on March 3, 2006. On April 18, 2006, the OAL disapproved the proposed regulation for failure to comply with the Clarity standard required by Government Code section 11349.1.

April 24, 2006

PEGGY J. GIBSON

Staff Counsel

For:

WILLIAM L. GAUSEWITZ

Director

Original: Dave Thornton, Executive Director

Cc: Kevin Schunke

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653–7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD

ATCM For Cruise Ship Onboard Incineration

This action adopts the Air Resources Board's Airborne Toxic Control Measure (ATCM) governing cruise ship onboard incineration. The regulation implements the prohibition against cruise ship onboard incineration within three miles of the California coast contained in A.B. 471 (Chap. 706, Stats. 2004).

Title 17 California Code of Regulations ADOPT: 93119 Filed 04/20/06 Effective 05/20/06

Agency Contact: Alexa Malik (916) 322–4011

BOARD OF EQUALIZATION

Electronic Funds Transfer (EFT) Program

In this "change without regulatory effect" filing, the State Board of Equalization amends Sales and Use Tax Regulation 1707 pursuant to recent legislative action which reduced the threshold for mandatory participation in the electronic funds transfer (EFT) program and

which deleted the requirement that voluntary participants must remain in the program for a minimum of one year.

Title 18

California Code of Regulations

AMEND: 1707 Filed 04/20/06 Effective 04/20/06 Agency Contact:

Chelsea C. Carlock (916) 322–3084

BOARD OF EQUALIZATION

Payment by Electronic Funds Transfer

In this "change without regulatory effect" filing, the State Board of Equalization amends a regulation pertaining to payments made by electronic funds transfers applicable to numerous special taxes administered by the Board.

Title 18

California Code of Regulations

AMEND: 4905 Filed 04/20/06 Effective 04/20/06 Agency Contact:

Chelsea C. Carlock

(916) 322–3084

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

Nonsubstantive Change

The Department of Alcohol and Drug Programs is amending the captioned sections of title 9, California Code of Regulations, in order to bring its authority and reference citations into conformity with those numbering changes taken place in Stats. 2004, Ch. 862, and is making miscellaneous editorial changes.

Title 9

California Code of Regulations

AMEND: 10000, 10010, 10015, 10020, 10025, 10030, 10035, 10040, 10045, 10050, 10055, 10060, 10065, 10070, 10080, 10085, 10090, 10095, 10105, 10110, 10115, 10120, 10125, 10130, 10140, 10145, 10150, 10155, 10160, 10165, 10170, 10175, 10185, 10190, 10195,

Filed 04/19/06

Effective 05/19/06

Agency Contact: Mary Conway (916) 327–4742

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Food Service

This regulatory action is to comply with statutory changes in the Health and Safety Code, with a United

States District Court settlement in Cooper v. State of California, Slip Copy, 2005 WL 3445624, N.D.Cal., Dec 15, 2005, and with RLUIPA. This action amends and adopts language to accommodate various religious diets by providing a Vegetarian diet option and specifically offers a Jewish kosher diet option, in compliance with Cooper.

Title 15

California Code of Regulations

ADOPT: 3054.1, 3054.2, 3054.3, 3054.4, 3054.5, 3054.6 AMEND: 3050, 3051, 3052, 3053, 3054

Filed 04/24/06 Effective 04/24/06

Agency Contact: Randy Marshall (916) 324–6776

DEPARTMENT OF HEALTH SERVICES

Psychologist Scope of Practice in GACHs and APHs

This action without regulatory effect amends provisions concerning psychologists in compliance with a recent court order.

Title 22

California Code of Regulations

AMEND: 70577, 70717, 71203, 71517, 71545

Filed 04/20/06 Effective 04/20/06 Agency Contact:

Barbara S. Gallaway

(916) 657-3197

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Enterprise Zone Program

The Department of Housing and Community Development is adding the "Enterprise Zone Program" as a title for Subchapter 21 which is the set of regulations that implement and interpret the "Enterprise Zone Act".

Title 25

California Code of Regulations

AMEND: Adding a title to Ch. 7, Subchapter 21

Filed 04/24/06

Effective 05/24/06

Agency Contact: Lenora Frazier (916) 323–4475

DEPARTMENT OF INSURANCE

CAARP Rules and Rates Manual Rules 21, 26, 57, 94, 133 and 141

In this filing, the Department of Insurance amends the "California Automobile Assigned Risk Plan Simplified Manual of Rules and Rates" Rules 21, 26, 57, 94, 133 and 141. This filing is exempt from the rulemaking requirements of the Administrative Procedure Act pursuant to Government Code section 11340.9(g).

Title 10

California Code of Regulations

AMEND: 2498.5 Filed 04/20/06

Effective 05/20/06

Agency Contact: Mike Riordan (415) 538–4226

EMPLOYMENT TRAINING PANEL

Job Creation

Employment Training Panel is proposing repeal of 22 CCR 4414 and amendment of 22 CCR 4400 to delete the existing standards for job creation training in Section 4414 and define job creation as an aspect of the Panel's funding priorities in new subdivision 4400(kk). This action implements Unemployment Insurance Code secs. 10200(b)(3) and (4) by expanding job creation standards to include training for new employees of firms locating or expanding in the state, and for displaced workers.

Title 22

California Code of Regulations ADOPT: 4400(kk) REPEAL: 4414

Filed 04/19/06 Effective 05/19/06

Agency Contact: Maureen Reilly (916) 327–5422

FISH AND GAME COMMISSION Surfperch Bag Limit

14 CCR secs. 27.60 and 28.59 provide for a recreational daily catch limit of five surfperch of any species in combination. These limits are separate from the 20–fish daily limit for shiner surfperch. In this action, Fish & Game Commission is amending Sections 27.60 and 28.59 to increase the limit from five to 20 surfperch in the aggregate, with not more that 10 surfperch of any one species. The increased surfperch catch limits will apply in all marine waters statewide except the San Francisco and San Pablo Bays, where the daily aggregate surf–perch catch limit will remain at five (shiner surfperch excluded). Minor changes to Section 28.59 were made to improve clarity and enforceability.

Title 14

California Code of Regulations

AMEND: 27.60, 28.59

Filed 04/21/06 Effective 05/21/06

Agency Contact: Sherrie Koell (916) 653–4899

FRANCHISE TAX BOARD

Specialized Tax Service Fees

This action sets the fees for specialized tax services rendered by the Franchise Tax Board to taxpayers in connection with installment payment programs and requests for expedited services related to revivor of a corporation, a tax clearance certificate, or tax–exempt status.

Title 18

California Code of Regulations

ADOPT: 19591 AMEND: 19513, 19524

Filed 04/24/06 Effective 01/01/06

Agency Contact: Colleen Berwick (916) 845–3306

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Heat Illness Prevention

Readoption of emergency regulation that requires employers to provide shade and water to employees who work in hot outdoor workplaces and requires employers and employees to have training in various aspects of heat injury prevention.

Title 8

California Code of Regulations

AMEND: 3395 Filed 04/19/06 Effective 04/19/06

Agency Contact: Keith Umemoto (916) 274–5721

SECRETARY OF STATE

HAVA Statewide Voter Registration Database

The Help America Vote Act of 2002 (HAVA) in 42 U.S.C. 15483 requires each state with voter registration requirements for elections for federal office to implement, through the chief state elections official, a single, uniform, official, centralized interactive computerized statewide voter registration list by January 1, 2004. Pursuant to a waiver pursuant to 42 U.S.C. 15483(d)(1)(B), the statewide voter registration list requirements became effective for California on January 1, 2006. An emergency regulatory action filed December 12, 2005 and readopted April 10, 2006 adopted interim provisions implementing such a list in California beginning January 1, 2006. Pursuant to these emergency regulations, for affidavits of registration submitted on or after January 1, 2006, if a registration record does not include a driver's license or state identification number, the elections official is required to determine whether a driver's license or state identification number is available through Calvalidator (an electronic process established to verify information with the records of the Department of Motor Vehicles). If so, the elections official is required to contact the applicant to confirm the driver's license or state identification number prior to entering the number into the registration record. This emergency regulatory action would only require the elections official to contact the applicant if Calvalidator identifies more than one individual who possess the last name, first name, and date of birth of the registrant.

Title 2 Title 1 02/28/06 AMEND: 1205 California Code of Regulations AMEND: 20108.70, Division 7 Filed 04/24/06 Effective 04/24/06 T Agency Contact: Michael Kanotz (916) 653–1690 STATE WATER RESOURCES CONTROL BOARD Dedesignation of Beneficial uses for Old Alamo Creek regulatory action (Resolution R05-2005-0053) amends the Water Quality Control Plan for the Central Valley Region for the Sacramento and San Joaquin River Basins (Basin Plan) dedesignating four beneficial uses (municipal and domestic supply; cold freshwater habitat; spawning, reproduction, and early development of fish; and migration of aquatic organisms) of Old Alamo Creek in Solano County. Title 23 California Code of Regulations ADOPT: 3948 Filed 04/25/06 Effective Agency Contact: Glenda Marsh (916) 341–5558

(916) 341–5558

STATE WATER RESOURCES CONTROL BOARD Site Exception for Old Alamo Creek

This amendment provides a site–specific exception to the State Water Resources Control Board's Sources of Drinking Water Policy (State Water Resources Control Board Resolution No. 88-63) for Old Alamo Creek in Solano County.

Title 23 California Code of Regulations ADOPT: 2919 Filed 04/25/06 Effective AgencyContact: Glenda Marsh

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN NOVEMBER 23, 2005 TO **APRIL 26, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

03/28/06	AMEND: 139	95	
03/27/06			
12/29/05	AMEND: 1038		
Title 2			
04/24/06	AMEND: 20108.70, Division 7		
04/10/06	ADOPT: 20108, 20108.1, 20108.12,		
	20108.15,		20108.20,
	20108.25,	20108.30,	20108.35,
		20108.37,	
		20108.45,	
		20108.55,	
		20108.70,	20108.75,
	20108.80		
04/04/06	18428	215.1 AMENI	
03/14/06	ADOPT:	1859.70.3,	1859.71.5,
		1859.93.2,	
	AMEND: 13	859.2, 1859.6	1, 1859.74,
		359.79, 1859.79	
	·	59.202, 1859.6	
03/08/06		56.1, 56.2, 56.3	3, 56.4, 56.5,
	56.6, 56.7, 56	.8	
02/28/06	AMEND: 57.	1,57.2,57.3,57	7.4
02/21/06	ADOPT: 183'	71	
02/21/06	REPEAL: 25	50, 2551, 2552,	2553, 2554,
	2555,2556		
	2555, 2556		
02/21/06	2555, 2556 AMEND: 232	20(a) (2)	
02/21/06 02/21/06	·	. , . ,	
	AMEND: 232 ADOPT: 1830	51.10	. 54700
02/21/06 02/16/06	AMEND: 232 ADOPT: 1830 AMEND: Div	51.10 v. 8, Ch. 58, Sec.	
02/21/06	AMEND: 232 ADOPT: 1830 AMEND: Div AMEND: Div	51.10	c. 59150
02/21/06 02/16/06 01/30/06	AMEND: 232 ADOPT: 1830 AMEND: Div AMEND: Div	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Se	c. 59150
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 66 649.27 AMEND: 183	51.10 v. 8, Ch. 58, Sec. v. 8, Ch. 103, Se 549.23, 649.2	c. 59150
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 66 649.27 AMEND: 183 AMEND: 183	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 549.23, 649.2	c.59150 25, 649.26,
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06 01/17/06	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6649.27 AMEND: 183 AMEND: Div	51.10 7. 8, Ch. 58, Sec. 7. 8, Ch. 103, Sec. 549.23, 649.2 7. 8, Ch. 64, Sec.	c.59150 25, 649.26,
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06 01/17/06	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6649.27 AMEND: 183 AMEND: Div ADOPT: 560	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 649.23, 649.2 851 97 7.8, Ch. 64, Sec. REPEAL: 560	c. 59150 25, 649.26,
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06 01/17/06 01/17/06 12/29/05	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6649.27 AMEND: 183 AMEND: Div ADOPT: 560 AMEND: 183	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 64, Sec.	c. 59150 25, 649.26,
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06 01/17/06 01/17/06 12/29/05 12/21/05	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6649.27 AMEND: 183 AMEND: Div ADOPT: 560 AMEND: 183 AMEND: 183 AMEND: 183	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 549.23, 649.2 851 97 7.8, Ch. 64, Sec. REPEAL: 560 829.5, 18701, 18 9.960, 599.961	c. 59150 25, 649.26, . 55300
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06 01/17/06 01/17/06 12/29/05 12/21/05 12/20/05	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6649.27 AMEND: 183 AMEND: Div ADOPT: 560 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 599 AMEND: 187	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 649.23, 649.2 851 97 7.8, Ch. 64, Sec. REPEAL: 560 829.5, 18701, 18 9.960, 599.961 700, 18707, 187	c. 59150 c. 5, 649.26, c. 55300 8751
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06 01/17/06 01/17/06 12/29/05 12/21/05	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6 649.27 AMEND: 183 AMEND: 183 AMEND: Div ADOPT: 560 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 549.23, 649.2 851 97 7.8, Ch. 64, Sec. REPEAL: 560 829.5, 18701, 18 9.960, 599.961 700, 18707, 187 108, 20108.1	c. 59150 25, 649.26, . 55300 . 8751 . 08 , 20108.12,
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06 01/17/06 01/17/06 12/29/05 12/21/05 12/20/05	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6 649.27 AMEND: 183 AMEND: 183 AMEND: Div ADOPT: 560 AMEND: 183	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 549.23, 649.2 851 97 7.8, Ch. 64, Sec. REPEAL: 560 829.5, 18701, 18 9.960, 599.961 700, 18707, 187 108, 20108.18, 20108.18,	c. 59150 c. 59150 c. 5, 649.26, . 55300 8751 608 , 20108.12, 20108.20,
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06 01/17/06 01/17/06 12/29/05 12/21/05 12/20/05	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6649.27 AMEND: 183 AMEND: Div ADOPT: 560 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 ADOPT: 20 20108.15, 20108.25,	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 64, Sec. 7.9, 18, 18, 20, 18, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20	c. 59150 c. 59150 c. 5, 649.26, . 55300 . 55300 . 8751 . 08 , 20108.12, 20108.20, 20108.35,
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06 01/17/06 01/17/06 12/29/05 12/21/05 12/20/05	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 66 649.27 AMEND: 183 AMEND: Div ADOPT: 560 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 185 ADOPT: 20 20108.15, 20108.25, 20108.36,	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 64, Sec. 829.5, 18701, 18 7.960, 599.961 700, 18707, 187 108, 20108.18, 20108.18, 20108.30, 20108.37,	c. 59150 c. 59150 c. 5, 649.26, .55300 .8751 .08 , 20108.12, 20108.20, 20108.35, 20108.38,
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06 01/17/06 01/17/06 12/29/05 12/21/05 12/20/05	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6649.27 AMEND: 183 AMEND: Div ADOPT: 560 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 187 ADOPT: 20 20108.15, 20108.25, 20108.36, 20108.40,	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 64, Sec. REPEAL: 560 7.8, Ch. 64, Sec. REPEAL: 560 7.9, 18701, 18 7.9, 18707, 187 108, 20108.11, 20108.18, 20108.30, 20108.45,	c. 59150 c. 59150 c. 5, 649.26, .55300 .8751 .08 , 20108.12, 20108.20, 20108.35, 20108.38, 20108.50,
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06 01/17/06 01/17/06 12/29/05 12/21/05 12/20/05	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6 649.27 AMEND: 183 AMEND: Div ADOPT: 560 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 ADOPT: 20 20108.15, 20108.25, 20108.36, 20108.40, 20108.51,	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 64, Sec. REPEAL: 560 829.5, 18701, 18 700, 18707, 187 108, 20108.18, 20108.30, 20108.37, 20108.45, 20108.55,	c. 59150 c. 59150 c. 5, 649.26, .55300 .8751 .08 , 20108.12, 20108.20, 20108.35, 20108.50, 20108.60,
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06 01/17/06 01/17/06 12/29/05 12/21/05 12/20/05 12/12/05	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6 649.27 AMEND: 183 AMEND: Div ADOPT: 560 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 ADOPT: 20 20108.15, 20108.25, 20108.36, 20108.40, 20108.51,	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 64, Sec. REPEAL: 560 7.8, Ch. 64, Sec. REPEAL: 560 7.9, 18701, 18 7.9, 18707, 187 108, 20108.11, 20108.18, 20108.30, 20108.45,	c. 59150 c. 59150 c. 5, 649.26, .55300 .8751 .08 , 20108.12, 20108.20, 20108.35, 20108.50, 20108.60,
02/21/06 02/16/06 01/30/06 01/24/06 01/24/06 01/20/06 01/17/06 01/17/06 12/29/05 12/21/05 12/20/05 12/12/05	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6649.27 AMEND: 183 AMEND: Div ADOPT: 560 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 ADOPT: 20 20108.15, 20108.25, 20108.36, 20108.40, 20108.51, 20108.65, 203	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 64, Sec. REPEAL: 560 7.8, Ch. 64, Sec. REPEAL: 560 7.9, 60, 599.961 700, 18707, 187 108, 20108.11, 20108.18, 20108.30, 20108.37, 20108.45, 20108.55, 108.70, 20108.7	c. 59150 c. 59150 c. 5, 649.26, .55300 .55300 .8751 .08 , 20108.12, 20108.20, 20108.35, 20108.38, 20108.50, 20108.60, 75, 20108.80
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06 01/17/06 01/17/06 12/29/05 12/21/05 12/20/05 12/12/05	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6649.27 AMEND: 183 AMEND: 183 AMEND: Div ADOPT: 560 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 ADOPT: 20 20108.15, 20108.25, 20108.36, 20108.40, 20108.51, 20108.65, 203 AMEND: 144	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 64, Sec. REPEAL: 560 829.5, 18701, 18 700, 18707, 187 108, 20108.18, 20108.30, 20108.37, 20108.45, 20108.55, 108.70, 20108.75	c. 59150 c. 59150 c. 5, 649.26, .55300 .55300 .8751 .08 , 20108.12, 20108.20, 20108.35, 20108.38, 20108.50, 20108.60, 75, 20108.80
02/21/06 02/16/06 01/30/06 01/24/06 01/23/06 01/20/06 01/17/06 01/17/06 12/29/05 12/21/05 12/21/05 12/12/05	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6 649.27 AMEND: 183 AMEND: 183 AMEND: Div ADOPT: 560 AMEND: 183	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 64, Sec. REPEAL: 560 829.5, 18701, 18 700, 18707, 187 108, 20108.18, 20108.30, 20108.37, 20108.45, 20108.55, 108.70, 20108.75 108.70, 20108.75 108.70, 20108.75	c. 59150 c. 59150 c. 5, 649.26, .55300 .55300 .8751 .08 , 20108.12, 20108.20, 20108.35, 20108.38, 20108.50, 20108.60, 75, 20108.80
02/21/06 02/16/06 01/30/06 01/24/06 01/24/06 01/20/06 01/17/06 01/17/06 12/29/05 12/21/05 12/20/05 12/12/05	AMEND: 232 ADOPT: 1836 AMEND: Div AMEND: Div REPEAL: 6649.27 AMEND: 183 AMEND: 183 AMEND: Div ADOPT: 560 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 AMEND: 183 ADOPT: 20 20108.15, 20108.25, 20108.36, 20108.40, 20108.51, 20108.65, 203 AMEND: 144	51.10 7.8, Ch. 58, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 103, Sec. 7.8, Ch. 64, Sec. REPEAL: 560 7.9, 60, 599.961 700, 18707, 187 108, 20108.18, 20108.30, 20108.37, 20108.45, 20108.55, 108.70, 20108.75	c. 59150 c. 59150 c. 5, 649.26, .55300 .55300 .8751 .08 , 20108.12, 20108.20, 20108.35, 20108.38, 20108.50, 20108.60, 75, 20108.80

03/30/06 AMEND: 3406(b)

03/28/06	AMEND: 3406(b)	11/28/05	ADOPT: 503, 512, 515, 516, 517, 518,
03/23/06	ADOPT: 6310 AMEND: 6170		519, 523, 524 AMEND: 500, 501, 502,
03/07/06	AMEND: 3700(c)		510, 513, 514, 520, 552, 530, 531, 533
03/01/06	AMEND: 3406(b)		REPEAL: 521
02/22/06	AMEND: 3406(b)	11/23/05	AMEND: 4083
02/21/06	AMEND: 3433(b)	Title 5	
02/21/06	AMEND: 3700(c)	04/04/06	AMEND: 11704
	· ·	03/16/06	ADOPT: 1207.1, 1207.2 AMEND:
02/21/06	ADOPT: 3591.19(a)(b)(c) AMEND:	03/10/00	
	3591.19(a)	0.00	1204.5
02/16/06	ADOPT: 3433	03/16/06	ADOPT: 15566, 15567, 15568, 15569
02/07/06	AMEND: 6502	02/17/06	ADOPT: 19827 AMEND: 19814,
02/02/06	AMEND: 3700(c)		19814.1, 19851, 19853
01/12/06	AMEND: 6393, 6394, 6395, 6396	01/19/06	ADOPT: 11987, 11987.1, 11987.2,
12/28/05	AMEND: 3406(b)	0 -1 - 2 7 0 0	11987.3, 11987.4, 11987.5, 11987.6,
12/28/05	ADOPT: 6576, 6950		11987.7
12/15/05	AMEND: 6400	12/30/05	AMEND: 58050, 58164, 58168, 58170,
12/13/05	AMEND: 3700(c)	12/20/02	58172
12/01/05	AMEND: 3700(c)	12/29/05	ADOPT: 4680, 4681, 4682, 4683, 4684,
11/23/05	AMEND: 3406(b)	12/27/03	4685, 4686, 4687 AMEND: 4600, 4610,
Title 4			4611, 4620, 4621, 4622, 4630, 4631,
03/24/06	ADOPT: 10175, 10176, 10177, 10178,		4632, 4633, 4640, 4650, 4651, 4660,
03/24/00	10179, 10180, 10181, 10182, 10183,		4662, 4663, 4664, 4665, 4670, 4910
	10184, 10185, 10186, 10187, 10188,		REPEAL: 4661, 4671
	10189, 10190, 10191	12/12/05	ADOPT: 80033.2
03/23/06	ADOPT: 10302(bb), 10305(d), 10305(e),	12/12/03	AMEND: 43810
03/23/00	10315(d), 10315(j), 10320(b), 10322(e),	12/07/03	ADOPT: 11963.5 AMEND: 11704,
	10325(c), 10325(c)(3)(K), 10325(c)(6),	12/00/03	11963.2, 11963.3, 11963.4, 11963.5,
	10325(c)(8), 10325(c)(12), 10325(f)(7),		
	10325(c)(d), 10325(c)(12), 10325(f)(7), 10325(f)(10), 10325(g)(5)(B)(ii),		11963.6
	10325(g)(5)(B)(iv), 10325(g)(5)(B)(v),	Title 8	
	10326(g)(6), 1036(g)(7),	04/19/06	AMEND: 3395
02/28/06	AMEND: 4143	04/17/06	AMEND: 2320.4(a)(3)
01/25/06	ADOPT: 12002, 12004, Appendix A	04/11/06	ADOPT: 32613 AMEND: 32130, 32135,
01/25/00	AMEND: 12100, 12200, 12220, 12300		32140, 32155, 32190, 32325, 32350,
01/20/06	ADOPT: 1843.6		32400, 32450, 32500, 32602, 32604,
01/09/06	ADOPT: 1902.5		32605, 32607, 32609, 32615, 32620,
01/09/06	ADOPT: 1690.1		32621, 32625, 32630, 32635, 32640,
12/29/05	AMEND: 8070, 8071, 8072, 8073, 8074,		32644, 32647, 32648, 32649, 32650,
12/27/05	8076		32680, 32690, 32781, 32980, 33020,
12/21/05	ADOPT: 12359		40130,5
12/14/05	AMEND: 7075, 7082, 7084, 7092, 7093,	04/04/06	ADOPT: 6070, 6074, 6075, 6080, 6085,
12/11/05	7094,7098		6087, 6089, 6090, 6095, 6100, 6105,
12/05/05	AMEND: 1977		6110, 6115, 6120 REPEAL: 1200, 1204,
12/05/05	REPEAL: 1959.5, 1959.6, 1959.7,		1205, 1210, 1215, 1216, 1217, 1220,
12/05/05	1959.8, 1976.5, 1976.7		1225, 1230, 1240, 1250, 1270, 1280
11/28/05	ADOPT: 7075, 7076, 7077, 7078, 7079,	04/03/06	AMEND: 1720
11,20,00	7079, 7080, 7081, 7082, 7083, 7084,	03/22/06	AMEND: 9701, 9702, 9703
	7085, 7086, 7087, 7088, 7089, 7090,	03/15/06	AMEND: 1710(f)
	7091, 7092, 7093, 7094, 7095, 7096,	03/14/06	ADOPT: 9783.1 AMEND: 9780, 9780.1,
	7097, 7098, 7099 REPEAL: 7000, 7001,	22. 2 ., 00	9781, 9782, 9783 REPEAL: 9780.2,
	7003, 7004, 7005, 7006, 7007, 7008,		9784
	7009, 7010, 7011, 7012, 7013, 7013.	02/28/06	AMEND: 1644
	. 557, 7520, 7521, 7512, 7512, 7512.	32,20,00	

02/27/06	AMEND: 3637, 3638, 3639, 3640, 3642,	01/21/06	ADOPT: 310.100.4, 310.114.4 AMEND
02/27/06	3646	01/31/00	310.101
02/22/06		01/25/06	ADOPT: 2025, 2026, 2027, 2028, 2029,
0 - , , 0 0	AMEND: 8354, 8397.12	0 - 7 - 2 7 0 0	2030
02/14/06	AMEND: 31100	01/23/06	AMEND: 2698.99
02/09/06	ADOPT: 296.0 296.1, 2.96.2, 296.3,	01/23/06	ADOPT: 2592, 2592.01, 2592.02,
	296.4 AMEND: 290.1, 291.1, 291.2,		2592.03, 2592.04, 2592.05, 2592.06,
	291.3, 291.4, 291.5, 292.0, 293.0, 295.0		2592.07, 2592.08, 2592.09, 2592.10,
02/09/06	AMEND: 15201, 15300, 15400,	01/00/06	2592.11, 2592.12, 2592.13, 2592.14
	15400.2, 15402.4, 15450.1, 15452,	01/20/06 12/28/05	AMEND: 2498.6 AMEND: 2498.5
01/07/06	15454, 15463	12/28/03	AMEND: 2312, 2312.5, 2315
	AMEND: 100, 102 AMEND: 1518	11/23/05	AMEND: 260.210, 260.211, 1726,
	AMEND: 1635	11,23,00	1950.122, 2020
12/20/05		Title 11	, , , , , , , , , , , , , , , , , , , ,
12/14/05		03/15/06	AMEND: 351, 357, 371, 376, 377, 378,
12/13/05		03/13/00	380
12/05/05	AMEND: 4650	02/22/06	AMEND: 51.19
Title 9		02/09/06	AMEND: 1001, 1015 REPEAL: 1020,
04/19/06	AMEND: 10000, 10010, 10015, 10020,		1021
	10025, 10030, 10035, 10040, 10045,	01/31/06	ADOPT: 64.2
	10050, 10055, 10060, 10065, 10070,	01/19/06	AMEND: 1005
	10080, 10085, 10090, 10095, 10105,	01/11/06	ADOPT: 116.2
	10110, 10115, 10120, 10125, 10130,	01/09/06	AMEND: 999.1, 999.2, 999.3, 999.4
	10140, 10145, 10150, 10155, 10160,	12/22/05	AMEND: 1005, 1007, 1008, D–1, D–10, D–14
	10165, 10170, 10175, 10185, 10190, 10195,	12/15/05	AMEND: 51.12
01/23/06	·	12/13/03	ADOPT: 116.1
01/19/06		Title 12	
12/30/05	ADOPT: 3100, 3200.000, 3200.010,	04/10/06	AMEND: 453.1
	3200.020, 3200.030, 3200.040,	Title 13	1111D11D. 133.1
	3200.050, 3200.060, 3200.070,	04/04/06	AMEND: 423.00
	3200.080, 3200.090, 3200.100,	03/24/06	AMEND: 590
	3200.110, 3200.120, 3200.130,	03/24/06	AMEND: 156.00
	3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415	02/22/06	AMEND: 345.39, 345.45, 345.56,
TT*41 - 10	3400, 3403, 3410, 3413		345.78
Title 10 04/20/06	AMEND: 2498.5	02/22/06	ADOPT: 225.35 AMEND: 225.03,
04/20/06	AMEND: 2498.3 AMEND: 2498.4.9		225.09, 225.12, 225.18, 225.21, 225.42,
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